

1 Gregory R. Aker (SBN 104171)
E-mail: gaker@bwslaw.com
2 Gregory B. Thomas (SBN 239870)
E-mail: gthomas@bwslaw.com
3 Kyle Anne Piasecki (SBN 311961)
E-mail: kpiasecki@bwslaw.com
4 BURKE, WILLIAMS & SORENSEN, LLP
1999 Harrison Street, Suite 1650
5 Oakland, California 94612-3520
Tel: 510.273.8780 Fax: 510.839.9104
6
7 Attorneys for Defendants SAN JOAQUIN
COUNTY; SAN JOAQUIN COUNTY
SHERIFF-CORONER PATRICK WITHROW;
8 ROBERT HART, M.D.; FOZIA NAR,L.V.N.;
MARY CEDANA, R.N.; SARAI HARDWICK,
9 L.V.N.; CYNTHIA BORGES- ODELL, MFT;
NICHOLE WARREN, P.T.; MANUEL
10 RODRIGUEZ-GALAVIZ, MFT; MARICEL
MAGAOAY, L.V.N.; MANDEEP KAUR, R.N.;
11 CHERYL EVANS, A.S.W.; CHRISTEL
BACKERT, FNP; and ROBYN MENDOZA, NP
12
13

UNITED STATES DISTRICT COURT
14
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

15 SALVADOR SILVA, DECEASED, by and
16 through his Successor in Interest, SONJA
17 ALVAREZ, SONJA ALVAREZ, Individually,

Plaintiff,

v.

20 SAN JOAQUIN COUNTY, a public
entity;SAN JOAQUIN COUNTY SHERIFF-
CORONER PATRICK WITHROW, in his
21 individual and official capacities; ROBERT
HART, M.D.; FOZIA NAR, L.V.N.; MARY
22 CEDANA, R.N.; SARAI HARDWICK,
L.V.N.; CYNTHIA BORGES- ODELL, MFT;
NICHOLE WARREN, P.T.; MANUEL
23 RODRIGUEZ-GALAVIZ, MFT; MARICEL
MAGAOAY, L.V.N.; MANDEEP KAUR,
24 R.N.; CHERYL EVANS, A.S.W.; CHRISTEL
BACKERT, FNP; ROBYN MENDOZA, NP,
25 and DOES 1–20; individually, jointly, and
severally,

Defendants.

Case No. 2:20-cv-01461-JAM-KJN

**STIPULATION AND (PROPOSED)
ORDER RE: “FIRST LOOK”
AGREEMENT RE: DEFENDANTS’
FEDERAL RULE OF CIVIL
PROCEDURE 45 SUBPOENA**

Judge: John A. Mendez

1 The parties, by and through their respective attorneys of record, hereby stipulate to the
2 following order being issued in this matter:

- 3 1. Counsel for Defendants will serve a Federal Rule of Civil Procedure 45 subpoena for the
4 Production of Documents on Gary Lynn Cavanaugh, M.D. through the services of Titan
5 Legal Services, Inc. The records to be produced are described as follows:
 - 6 a. Any and all medical records, (including psychiatric/psychological/mental health
7 records), files, reports, correspondence, whatsoever, relating to any care, treatment,
8 diagnosis, prognosis, consultation and/or findings, including but not be limited to,
9 any and all emergency room records, nurses notes, SOAP notes, operative reports,
10 radiology reports, pathology reports, all test and test results, medication records,
11 physical and/or occupational therapy records, workers' compensation records, sign-
12 in sheets, color photographs, patient information sheets, handwritten notes,
13 transcriptions, prescriptions, telephone messages, electronic media and any
14 documents in the file from other health care providers, from 2019 to the present
15 date pertaining to Salvador Silva, III; DOB: 5/14/1996; SS#: XXX-XX-2083.
16 Documents produced should also include, but not be limited to, any and all
17 electronically stored documents in your possession.
 - 18 2. The subpoena has a production date and time of April 10, 2024, at 10:00 a.m.
 - 19 3. Plaintiff's counsel contend that the subpoenaed documents likely contain privileged
20 information to which Defendants are not entitled.
 - 21 4. Plaintiff's counsel and Defendants' counsel met and conferred on March 20, 2024. The
22 parties agree to the following "First-Look" Procedure:
 - 23 a. Counsel for Defendants shall instruct Titan Legal Services, Inc. to obtain the
24 available subpoenaed documents by April 10, 2024; however, instead of producing
25 the documents to counsel for Defendants, Titan Legal Services, Inc. shall instead
26 produce the documents directly to Plaintiff's counsel's business address: Haddad &
27 Sherwin LLP, 505 17th Street, Oakland, CA 94612.
 - 28 b. Upon receipt of the subpoenaed documents from Titan Legal Services, Inc.,
29 Plaintiff's counsel will then have seven (7) business days to review the documents
30 to see if they contain any privileged information. If the documents do contain such
31 information, Plaintiff's counsel shall redact and/or withhold the pages containing
32 such information.

1 that information and Plaintiff's shall create a privilege log complying with Federal
2 Rules of Civil Procedure 45(e)(2)(A)(i)–(ii) and 26(b)(5)(A)(i)–(ii).

3 c. On or before the seventh (7th) business day after receiving the records from Titan
4 Legal Services, Inc., Plaintiff's counsel shall serve the subpoenaed documents by
5 Federal Express Priority Overnight on Defendants' counsel or electronically,
6 depending on how the documents were produced to Plaintiff's counsel; if Plaintiff's
7 counsel has redacted and/or withheld any information, they shall also concurrently
8 serve the privilege log described in ¶ 3(b), above.

9 5. Counsel for Defendants shall pay for Titan Legal Services, Inc. in obtaining the documents
10 and producing them to Plaintiff's counsel, and Plaintiff's counsel shall pay to send them by
11 Federal Express Priority Overnight to Counsel for Defendants.

12 6. Counsel for Defendants reserves their rights to seek production of any documents that are
13 withheld and/or redacted by Plaintiff's counsel pursuant to the terms of this agreement.
14 Should any such discovery dispute not be subject to resolution through the meet and confer
15 process, Defendants reserve their rights to file discovery motions with the court seeking an
16 Order requiring production of withheld documents.

17
18 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

19
20 Dated: March 25, 2024

HADDAD & SHERWIN LLP

21 _____
22 /s/ *Teresa Allen*
23 TERESA ALLEN

Atorneys for Plaintiff

24 Dated: March 25, 2024

BURKE, WILLIAMS & SORENSEN, LLP

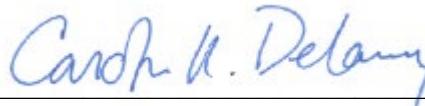
25 _____
26 /s/ *Gregory B. Thomas*
27 GREGORY B. THOMAS

Atorneys for Defendants

1
2 **ORDER**
3
4

PURSUANT TO STIPULATION, IT IS SO ORDERED.

5 Dated: April 1, 2024

6 
7 CAROLYN K. DELANEY
8 UNITED STATES MAGISTRATE JUDGE

21,silv.1451

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28